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REMARKS

Applicants thank the Examiner for the careful attention accorded this Application and respectfully requests reconsideration in view of the Amendments set forth above and the remarks below.

Claims 1-40 and 68-82 were previously canceled. By this amendment, claims 41-61 and 83-87 have been canceled. Claims 62-67 and 88-89 remain pending for examination. Applicants reserve the right to file one or more continuation applications herefrom in order to continue prosecution of the inventive subject matter of the cancelled claims.

The examiner has rejected the pending claims 62 and 88 under 35 USC § 103(a) as follows:

“5. Claims 62 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,749,261 (McLaughlin et al) in view of US 4,579,422 (Simoni et al), US 6,172,720 (Khan et al), US 4,131,581 (Coker) and US 6,171,663 (Hanada et al).

Claims 62 and 88, McLaughlin discloses (col.4, lines 44—47; col.5, lines 28—47; col. 8, lines 14-19; Figs. 2-3) that an electro-optical glazing panel as the explanation above except for the liquid crystal material a non-reactive blend of a chiral liquid crystal, a monomer and a surfactant.

*However, Simoni discloses (col.3, lines 45-49; Fig.2) that in order to obtain a good planar orientation of the cholesteric mixture (1), the glass plates (2, 2') were repeatedly immersed in a 1% solution of a polymer surfactant. Such that the liquid crystal material comprising a surfactant so as to obtain a good planar orientation of the cholesteric mixture. Although the use of a surfactant in Simoni is for the purpose of facilitating the rubbing step, but according to the property of a surfactant to obtain a good planar that means the panel planar (uniformity) also can be enhanced.*

*Furthermore, Hanada also discloses (col.17, lines 34-44) that in order to improve the surface smoothness of a layer, various additives such as organic surfactant is used.*

Still lacking is the limitation such that using a chiral liquid crystal.

However, Khan discloses (col.1, lines 23-43; col.7, lines 25-43; col.4, lines 44-60) that in general, the liquid crystal material which comprises a chiral material would greatly reduced the viscosity, and improved properties including reduced voltages, shorter pulse

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times and increased contrast. Khan also indicates (col.9, lines 43-54) that a monomer can be used as viscosity lowering additive so as to increase the response speed.

Still lacking is the limitation such that using a non-reactive blend of liquid crystal,

However, Coker disclose (col.6, line 35— col.7, line 13) that for the purpose of viscosity reducing diluent, a primary requirement is that such diluents be relatively nonreactive in the blends. Therefore, using non-reactive blend of chiral liquid crystal is a primary requirement to reduce the viscosity so as to improve the response time shorter and fast.

Therefore, it would have been obvious to those skilled in the art at the time the invention was made to use surfactant as claimed in claims 62 and 88 for achieving a good planar of the material, enhancing the surface treatment and improving the smoothness of the layer.” (*emphasis added*)

To establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

First, as previously argued by Applicants, Applicants respectfully submit that there is no suggestion or motivation to combine the teachings of McLaughlin et al., which discloses privacy or solar control panels, with Khan, which discloses materials for liquid crystal displays, other than in Applicant's disclosure. More particularly, McLaughlin et al. discloses privacy or solar control panels based on polymer dispersed liquid crystal systems (PDLC). PDLC based systems contain substantially solid liquid crystal

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materials, having greater than 10% polymeric material. However, the present claims are directed to PSCT based devices, using less than 10% polymeric material.

Further, the combination of McLaughlin et al. and Simoni et al. is not proper. As previously argued, the use of a surfactant in Simoni is for the purpose of facilitating the mechanical rubbing step. In contrast, a surfactant is used in the invention of claims 62, 88 and claims depending therefrom for enhancing panel uniformity and decreasing flow streaks. In addition to the function of modifying the substrate, since the surfactant is part of the PSCT mixture, thus "all of the components in the mixture flow uniformly and maintain their proper ratio in the mixture, eliminating the flow streaks." (specification, page 24, 4<sup>th</sup> paragraph).

Finally, Hanada's reference to surfactant is not proper, since it relates to using an optional surfactant to fabricate a cured polymer layer as a component of the substrate for a liquid crystal display element rather than using a surfactant as a component in a PSCT mixture.

Claims 67 and 89 stand rejected under 35 USC § 103(a) over McLaughlin et al. U.S. Patent No. 4,749,261 in view of Simoni et al. U.S. Patent No. 4,579,422 and Herb et al. U.S. Patent No. 6,022,547. First, the differences pointed out above with regard to Simoni obviate this rejection. Further, it is respectfully submitted that there is no suggestion or motivation to combine the teachings of McLaughlin, which discloses privacy or solar control panels, Simoni, which discloses continuously rotatable polarizing devices, and Herb, which discloses water-in-oil emulsions.

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The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

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